

Supplemental Notice of Allowance

This Supplemental Notice of Allowance is to correct an error in the previous Notice of Allowance with respect to rejoining product and process claims. Please note that this Supplemental Notice of Allowance replaces the previous Notice of Allowance in its entirety.

Rejoinder

Claims 1- 3 are directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(b), claim 4, directed to a process of making or using the allowable product, previously withdrawn from consideration as a result of a restriction requirement, is hereby rejoined and fully examined for patentability under 37 CFR 1.104. Claims 5-23, directed to invention(s) of different species (claims 5-7) or different inventive Groups (Groups IV-VII - claims 8-23) have NOT been rejoined.

Because a claimed invention previously withdrawn from consideration under 37 CFR 1.142 has been rejoined, **the restriction requirement between groups I (claims 1-3) and II as set forth in the Office action mailed on 7/5/07 is hereby withdrawn.** In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Examiner's Comment

Claims 1-4 have been examined on the merits and found allowable.

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Janet MacLeod on 06 October 2010.

IN THE CLAIMS:

Claims 5-23 have been canceled without prejudice.

Conclusion

Claims 1-4 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROY TELLER whose telephone number is (571)272-0971. The examiner can normally be reached on Monday-Friday from 5:30 am to 2:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang, can be reached on 571-272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RT
1654

/Christopher R. Tate/
Primary Examiner, Art Unit 1655